

REMARKS

The Non-Final Office Action mailed August 30, 2010 has been reviewed and the comments therein were carefully considered. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148 and 157-177 are pending in this application. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148 and 157-177 are rejected. Claims 1-105, 109, 111, 117, 118, 122, 123, 126, 128, 130-143 and 149-156 were previously cancelled. As explained in more detail below, Applicants respectfully submit that all pending claims are in condition for allowance and respectfully request such action.

Claim Rejections under U.S.C. §103

Claims 106, 110, 112, 113, 116, 119-120, 124, 125, 127, 129, 144-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US Patent 6,690,417) in view of Tsukahara et al. (US Patent 6,295,088). Applicants respectfully request reconsideration in view of the Remarks below.

Independent claim 106 recites:

A mobile terminal device comprising:

a housing of the mobile terminal device comprising at least one telecommunications component and a camera system comprising a lens module which enables taking pictures with optical imaging properties given by the lens module; and

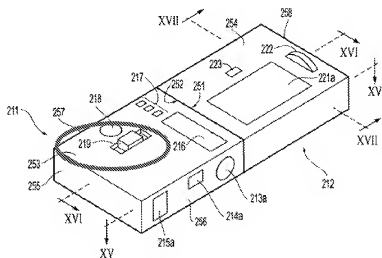
an optical properties changing unit slidably integrated with a part of the housing including functionality of moving to cooperate with the lens module of the camera system so as to enable taking pictures using the camera system with changed optical imaging properties, wherein the optical properties changing unit comprises at least one of the following: a lens, an objective comprising lenses, at least one filter, a diffractive optical element, and combinations thereof.¹

Thus, the mobile terminal of claim 106 includes a housing “comprising” a camera system. The housing’s camera system further comprises a lens module “which enables taking pictures with optical imaging properties given by the lens module.” The recited mobile terminal device further comprises a separate “optical properties changing unit.” Specifically, the claim requires that the optical properties changing unit is “slidably integrated with a part of the housing” which comprises the camera system. Thus, the optical properties changing unit cannot

¹ See also: independent claims 113, 120 and 144, which recite that the “optical properties changing unit [is] slidably integrated” with the housing. Likewise, , claim 125 recites a method reciting the usage of an optical properties changing unit that is “slidably integrated.”

be the same component as the lens module. This is further elaborated by the fact that the optical properties unit includes the “functionality of moving to cooperate with the lens module of the camera system so as to enable taking pictures using the camera system with changed optical imaging properties.” Thus, any components (such as a lens) of the optical properties changing unit cannot be the same component asserted to be the lens module, since the optical properties changing unit explicitly requires the functionality to move to co-operate with the lens module.

In contrast, any hypothetical combinations of Yoshida and Tsukahara would only result in a camera system having a single standard zoom lens. This is acknowledged by the Office Action’s own statements. First, the Office Action asserts that the zoom button 219 of Tsukahara’s camera 211 shown on FIG. 14 (shown below) discloses the claimed “optical properties changing unit.”



The Office Action, however, acknowledges that button 219 is merely “a slide type switch” that functions “as a zooming button.” (Office Action dated August 30, 2010, p. 3). The Office Action continues to note that combining the “switch” disclosed in Tsukahara with Yoshida would only “let a user perform easily [*sic*] zooming function in a camera.” (*Id.*).

Applicants respectfully submit that providing a switch or a button for automated zooming of a single zoom lens does not teach, disclose or even suggest anything resembling the recited

optical properties changing unit. In furtherance of this, each of the independent claims implicated in this rejection expressly recite that the optical properties changing unit “comprises at least one of the following: a lens, an objective comprising lenses, at least one filter, a diffractive optical element, and combinations thereof.” Applicants respectfully submit that button 219 which adjusts “lens unit 213” does not teach, disclose or suggest any of these elements. Rather, as admitted by the Office Action, it’s only a button to operate the single zooming lens.

If the Office Action meant to implicitly assert that “lens unit 213” somehow discloses or suggests the recited changing unit, Applicants respectfully seek clarification on what element of Tsukahara would then allegedly disclose the claimed “lens module” that the changing unit must “mov[e] to cooperate with.”

In view of the foregoing, Applicants respectfully submit that neither Yoshida nor Tsukahara, either alone or in combination with any other art of record, discloses an optical properties changing unit as recited in independent claims 106, 113, 120, 125 and 144 that could be configured to co-operate with the separate lens system. Because claims 110, 112, 116, 119, 124, , 127, 129, and 145-148 depend from claims 106, 113, 120, 125 and 144, Applicants respectfully submit that they are allowable for at least the same reasons.

Claims 107, 108, 114, 115, 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US Patent 6,690,417) in view of Tsukahara et al. (US Patent 6,295,088) further in view of Suda et al. (US Patent 6,373,524). Applicants respectfully request reconsideration in view of the Remarks below.

Claims 107, 108, 114, 115, 121 depend from independent claims 106, 113, and 120, respectively. As discussed above, neither Yoshida nor Tsukahara (alone or in combination with any art of record) teach, disclose or suggest the subject matter of independent claims 106, 113 or 120. Applicants respectfully submit that Suda does not cure these deficiencies, and therefore, respectfully request reconsideration and withdrawal of the rejection.

Claims 157, 160-163, 166-169, 171-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US Patent 6,690,417) in view of Mogamiya (US Patent 6,272,290). Applicants respectfully request reconsideration in view of the Remarks below.

Independent claim 157 recites, *inter alia*, an optical properties changing unit that is “rotatably” integrated with the housing.² As discussed above, Yoshida does not teach, disclose or suggest this feature. Applicants respectfully submit that Mogamiya does not cure the deficiencies of Yoshida. Rather, Mogamiya is cited for disclosing “a zoom lever 38 [that is] rotated to carry out a zooming operation.” (Office Action dated August 30, 2010, p. 11). Similar to the button of Tsukahara, the lever disclosed in Mogamiya only sets whether the telephoto function of the single “photographic optical system 22” is on or off. Therefore, Applicants respectfully submit that it cannot teach, disclose or even suggest anything resembling a separate optical properties changing unit from the lens module.

In furtherance of this, each of the independent claims implicated in this rejection expressly recite that the optical properties changing unit “comprises at least one of the following: a lens, an objective comprising lenses, at least one filter, a diffractive optical element, and combinations thereof.” Applicants respectfully submit that lever 38 (which sets whether the telephoto function of the single “photographic optical system 22” is on), does not teach, disclose or suggest any of these elements. Rather, it’s a lever to operate the single zooming operation.

Further, if the Office is implicitly asserting that any component of the “photographic optical system 22” somehow discloses or suggests the recited “changing unit,” Applicants respectfully seek clarification on what element of Mogamiya would allegedly disclose the claimed “lens module” that the changing unit must “mov[c] to cooperate with.”

Applicants, therefore, respectfully submit that neither Yoshida nor Mogamiya, either alone or in combination with any other art of record, discloses an optical properties changing unit

² See also: independent claims 163, 169, 173, 174 which recite an optical properties changing unit that is “rotatably” integrated or a method using such an optical properties changing unit.

as recited in independent claims 157, 163, 169, 173 or 174. Because claims 160-162, 166-168, 171, 172 and 175-177 depend from claims 157, 163, 169, 173 or 174, Applicants respectfully submit that they are allowable for at least the same reasons.

Claims 158-159, 164-165, 170 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US Patent 6,690,417) in view of Mogamiya (US Patent 6,272,290) further in view of Suda et al. (US Patent 6,373,524). Applicants respectfully request reconsideration in view of the Remarks below.

Claims 158, 159, 164-165, 170 depend from independent claims 157, 163 and 169, respectively. As discussed above, neither Yoshida nor Mogamiya teach, disclose or suggest the subject matter of independent claims 157, 163 and 169. Applicants respectfully submit that Suda does not cure these deficiencies, and therefore, respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

The Applicant respectfully requests consideration of the application and allowance of all pending claims. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,
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